IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 21954 of 2003(L)

PETITIONER:

P.P.ABDUL SALAM, AGED 36 YEARS,
S/O. K.P.HASSAN, SANAJ MANZIL, PUTHIYA PURAYIL
HOUSE, KADAMBVERI, KANOOL P.O., THALIPARAMBA.

BY ADV. SRI.HARIDAS THAIKKANDY

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
MOTOR WORKERS WELFARE BOARD, KANNUR.

2. THE SPECIAL DEPUTY TAHSILDAR,
TALIPARAMBA.

3. THE VILLAGE OFFICER, MORAZHA.

BY ADV. SRI.P.RAMAKRISHNAN
GOVERNMENT PLEADER SRI. SMITHA
SRI.PAULSON C.VARGHESE,SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)21954/03

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF NOTICE DATED 11.4.03.

EXT.P2: TRUE COPY OF NOTICE OF SALE DATED 31.5.2003.

/TRUE COPY/

PA TO JUDGE.

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.21954 OF 2003

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Dated this the 24th day of January 2007

JUDGMENT

Only grievance of the petitioner is that recovery is pursued without serving final adjudication orders determining liability under the Motor Transport Workers Welfare Fund Act. Standing Counsel appearing for the Welfare Fund submitted that orders were returned unserved. However, the first respondent sent order again under certificate of posting. It is further reported that one of the employees gave statement to the executive officer and demand is only in respect of 7 workers for two stage carriages. This court has taken a view that minimum 4 workers are required for operating a stage carriage. Therefore, the demand of contribution for three workers is quite reasonable. In any case, if petitioner decides to file an appeal, I leave permission to the petitioner to file an appeal within one month from now after collecting original orders from the 1st respondent. If petitioner applies for one more set of original orders, the same will be issued by the first respondent immediately on receipt of application. However, having regard to the demand, stay

granted is vacated and if payment is not made, the same amount will be recovered from petitioner. However, if petitioner gets relief in appeal petitioner can ask for adjustment towards future liability.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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